

Serial No. 09/767,332

REMARKS

Reconsideration of this application is now being requested. Claims 1-5 are in this application.

The oath or declaration was defective because the 1st joint inventor did not provide a date of his/her signature. A replacement oath or declaration will be provided by applicants shortly.

The disclosure was objected to for a number of informalities. The specification has been amended to correct the informalities.

Claim 3 was objected to because the inventor stated "responds" in the claim. Claim 3 has been amended to state "response" as suggested by the Examiner.

Fig. 2 was objected to because the label "Radio lLink" should be "Radio Link". A proposed drawing correction is attached.

Claims 1, 3, 5/3 were rejected under 35 U.S.C. §102(b) as being anticipated by Shimizu et al (EP 0328100 A2) and claims 2, 4, 5/4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shimizu in view of Wejke (US 5,175,867). Claim 1 has been amended so as to clearly distinguish over the disclosure of Shimizu. Shimizu does not disclose the feature of amended claim 1 that "the second base station first receives the information from the radio network controller then receives an uplink frame from the mobile station and only then sends the downlink data to the mobile station"

The claimed invention is contrary to the teaching of Shimizu, including all the passages cited by the Examiner. The Examiner is referred in particular to column 2 lines 4 to 33 of Shimizu which discloses a second base station receiving information from a central station (of a reconnect command and copy of last received data packets), then sending data downlink to the mobile station (of a reconnect response and copy of last received data packets). The mobile station then transmits data uplink to the second base station.

Serial No. 09/767,332

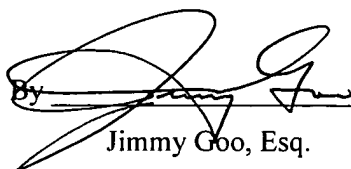
Preferred embodiments of the present invention have the advantage that with a mobile station in a handover/handoff situation the new base station is primed to receive data from the mobile early in the handover whilst delaying transmission to the mobile until data from the mobile is received. This reduces the risk of the mobile perceiving downlink transmission from the new base station as mere interference.

Claim 3 has been amended in line with claim 1. Claim 3 is distinguished over Shimizu by controlling the second base station in response to information from the radio network controller, to receive an uplink frame from the mobile station and only then send downlink data to the mobile station.

Claims 2, 4 and 5 are allowable not least on the basis that they depend on allowable base claims.

A one month extension fee is due.

Respectfully,
David Bhatoolaul
Qiang Cao
Patrick Charriere
Babul Miah
Michael Roberts


Jimmy Goo, Esq.
Reg. No. 36,528
(973) 386-6377

Date: 02/10/04

**Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030**